IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Tr.P(Crl.).No. 56 of 2007()

MC.87/2006 of FAMILY COURT, THIRUVALLA

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PETITIONER: PETITIONERS:

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1. RANI JOSE, D/O. CHACKO,
VATHALLOOR HOUSE, ELAMANNOOR MURI,
ENATHIMANGALAM VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT.

2. REENU JANI JOSE, D/O.RONI JOSE, AGED 13 YEARS,
REPRESENTED BY THE MOTHER 1ST PETITIONER

BY ADV. SRI.ABRAHAM SAMSON
SMT.LOVELY SAMSON

RESPONDENTS: RESPONDENT:

JOSE VARGHESE, S/O. VARGHESE,
PLAVILA HOUSE, KULATHOOR MURI, KOODAL VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT, NOW AT
KUWAIT RESORT COMPANY, POST BOX NO.7887,
FAHAHEEL-64009, KUVAIT.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Tr.P.(Crl).No.56 of 2007

Dated this the 16th day of July 2007

O R D E R

The petitioners have filed a petition claiming maintenance under Section 125 Cr.P.C before the Family Court, Thiruvalla. That case is pending as M.C.No.87/2006. Trial in that case has already commenced. The first petitioner has already been examined. Further evidence is to be recorded. At this stage, the petitioners have come before this court with this petition for transfer. They pray that the case may be directed to be transferred to the Family Court at Kottarakkara. From their residence to the Family Court, Kottarakkara, the distance is only about 20 Kms whereas from their house to the Family Court, Thiruvalla, the distance is about 50 Kms. It is more difficult to cover that distance also. More than one vehicle will also have to be taken to reach the Family Court at Thiruvalla. The petitioners were hither to managing with the help of the parents of the first petitioner. They are both laid up. They cannot now assist the petitioners. In these circumstances, it is prayed that there may be a direction for transfer.

2. I have heard the learned counsel for the petitioners. I find absolutely no justifiable reason to direct transfer at this stage. The trial has already commenced. The petitioners have already been examined. A direction for transfer at this stage, I am satisfied, will be to the prejudice of the first petitioner herself, as that would unnecessarily delay and protract the proceedings. The first petitioner's evidence having already been recorded, personal presence of the first petitioner is not necessary any more. I am of the opinion that the learned Judge of the Family Court, Thiruvalla can be directed to dispose of the matter expeditiously without insisting on the personal presence of the petitioners on all future dates of postings unless such presence be absolutely and unavoidably necessary.

3. This transfer petition is in these circumstances dismissed.

4. Communicate a copy of this order to the learned Judge of the Family Court, Thiruvalla. Hand over copy of this order to the learned counsel for the petitioners also.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge